



Atty. Docket No. 2791-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of Nam-Sung Cho

Appln. No.: 10/780,042

Filed: Feb. 17, 2004

Title: Light-emitting fluorene-based copolymers, EL
devices comprising the same and method of
synthesis thereof

Conf. No.: 9261

TC/AU: 1774

Examiner: C. Thompson

11/15/2006 MBIZUNES 00000013 10780042
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.78(a)(3)

Dear Sir:

Applicant respectfully requests acceptance of a delayed
claim under 35 U.S.C. § 120 for the benefit of a prior-filed
application. 37 C.F.R. § 1.78(a)(3).

FACTUAL BACKGROUND

The above-identified application was submitted to the USPTO
on Feb. 17, 2004. The first paragraph of the specification, as
filed, read as follows:

[0001] The present application claims the benefit of
PCT Patent Application Ser. No. PCT/KR02/01514,
filed 8 Aug. 2002, and Korean Patent Application
2001-0049386, filed 16 Aug. 2001, which are hereby
incorporated by reference.

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Additionally, the declaration contains a priority claim that
read as follows:

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, or 365(a) of any international application which designated at least one country other than the United States of America, listed below.

Prior Foreign Application Numbers	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed?
2001-0049386	KR	08/16/2001	YES
PCT/KR02/01514	PCT	08/08/2002	YES

Rather than a PCT nationalization of the international application PCT/KR02/01514 under 35 U.S.C. § 371, the present application was instead treated by the USPTO as a filing under 37 C.F.R. § 111(a). The priority claim to the international application PCT/KR02/01514 was acknowledged on the Official Filing Receipt as being a foreign priority claim, not a domestic priority claim or a basis for nationalization under 37 C.F.R. § 371.

The fact that the reference to the prior application does not conform to the requirements of § 120 was discovered on Oct. 18, 2006 by the undersigned Applicant's representative, who immediately took steps to prepare submission of a conforming reference to the prior application.

REFERENCE REQUIRED BY 35 U.S.C. § 120

The reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) to the prior-filed application is made by an Amendment submitted herewith. 37 C.F.R. § 1.78(a)(3)(i).

PETITION SURCHARGE

The required surcharge is submitted herewith as a check for \$1,370.00. 37 C.F.R. §§ 1.17(t), 1.78(a)(3)(ii).

STATEMENT REGARDING INTENT

The entire delay between the date the claim was due and the date the claim was filed herewith was unintentional. 37 C.F.R. § 1.78(a)(3)(iii). The date the claim was due was Jun. 17, 2004, four months after the Feb. 17, 2004 filing date of the present application. 37 C.F.R. § 1.78(a)(2)(ii).

ANALYSIS

A reference to the PCT application number PCT/KR02/01514 was included in the first paragraph of the specification of the above-identified application. However, the reference did not meet all of the requirements of 35 U.S.C. § 120 and, thus, was ineffective as a priority claim. As a result, a reference properly identifying the prior-filed application by international application number and international filing date was unintentionally delayed.

The fact that a priority claim was attempted by including a reference (albeit not fully in conformance with § 120) to the international application in the first paragraph of the specification at the time of filing is evidence of intent to make a priority claim. Applicant respectfully submits that the

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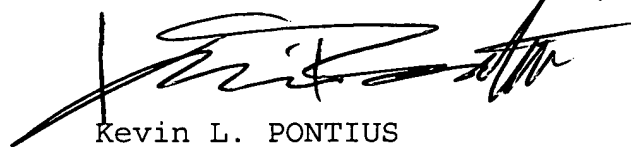
entire delay in submitting a reference that conforms to § 120 was the result of a mistaken reliance on the nonconforming attempt to claim priority. As soon as the mistake was discovered on Oct. 18, 2006, the undersigned Applicant's representative immediately took steps to prepare submission of a conforming reference to the prior application. Thus, at no time was there any intent not to claim priority.

CLOSING

For the above reasons, Applicant respectfully requests acceptance of a delayed claim under 35 U.S.C. § 120 for the benefit of a prior-filed application.

Respectfully submitted,

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